

REMARKS

Claims 1-14 and 18-32 are pending in the Application, and all were rejected in the Office action of February 7, 2007. Claims 10, 18, 25 and 26 are amended by this response. Claims 10, 18, 26 and 28 are independent claims. Claims 11-14, 19-25, 27 and 29-32 depend either directly or indirectly, from independent claims 10, 18, 26 and 28, respectively.

Applicants respectfully request reconsideration of claims 1-14 and 18-32, in light of the following remarks.

Rejection of Claims

Rejections under 35 U.S.C. 102

Claims 10-12, 14 and 18-25 were rejected under 35 U.S.C. §102(e) as being anticipated by Spencer et al. (US 2003/0131226, hereinafter "Spencer"). Applicants respectfully traverse the rejection. However, Applicants have amended claims 10 and 18 to clarify the subject matter of the claims.

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed.Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

With regard to amended claim 10, Applicants respectfully submit that Spencer does not appear to teach, suggest or disclose, for example, a method of generating update packages for updating software in a mobile electronic device, the method comprising retrieving an existing version of code and a corresponding updated version of the code, the existing and the updated versions of code comprising program components; determining which program components to modify; generating an update package having modules corresponding to those program components to be modified; and generating an associated reference lookup table having entries corresponding to

those program components to be modified, each entry associating a symbolic reference with a memory address.

More specifically, Applicants respectfully submit that Spencer does not appear to teach or suggest, at least, "...retrieving an existing version of code and a corresponding updated version of the code..." as recited in Applicants' amended claim 10. Instead, Spencer appears to teach updating a configuration of an electronic device by preparing a list of program components that are required to perform an intended action on the electronic device, and transferring to the electronic device each required program component that is not installed on the electronic device. (paragraphs [0008], [0009], [0030], [0034]) Spencer also appears to teach producing a list of missing program components, or program components whose version is older than an acceptable version, for user selection of those to be transferred to the electronic device. (paragraph [0040]) Spencer does not, however, appear to set forth any teachings of "...retrieving an existing version of code and a corresponding updated version of the code...", as recited in Applicants' claim 10. Therefore, Applicants respectfully submit that Spencer fails to anticipate at least this aspect of Applicants' claim 10.

In addition, Applicants respectfully submit that Spencer does not appear to teach or suggest, at least, "...generating an associated reference lookup table having entries corresponding to those program components to be modified, each entry associating a symbolic reference with a memory address...", as recited in Applicants' amended claim 10. Applicants respectfully submit that instead, Spencer appears to teach a configuration list of program components required to perform an intended action, a list of missing program components, or a list of program components whose version is older than an acceptable version. (paragraphs [0008], [0009], [0030], [0034]) Applicants respectfully submit that it does not appear that Spencer teaches or suggests anything with respect to "...each entry [of the reference lookup table] associating a symbolic reference with a memory address...", in accordance with Applicants' claim 10. Therefore, Applicants respectfully submit that Spencer fails to anticipate at least this aspect of Applicants' claim 10.

Based at least on the above, Applicants respectfully submit that Spencer does not appear to teach or suggest each and every element of Applicants' claim 10, as required by M.P.E.P. §2131, and that believe that a rejection of claim 10 under 35 U.S.C. §102(e) cannot be maintained.

Therefore, Applicants believe that claim 10 is allowable, for at least the reasons set forth above. Applicants respectfully submit that claims 11-14 depend from claim 10, and are also allowable, for at least the reasons set forth with respect to claim 10, and respectfully request that the rejection of claims 10-12 and 14 under 35 U.S.C. §102(e), be withdrawn.

With regard to amended claim 18, Applicants respectfully submit that Spencer does not appear to teach, suggest, or disclose, for example, a mobile electronic device having an embedded system employing a component architecture platform (CAP) framework, the device comprising a processor; a reference lookup table management unit employed by the processor to, at least, resolve a symbolic reference in a program instruction to a memory address, during program instruction execution; primary memory and secondary memory; and at least one reference lookup table accessible by the reference lookup table management unit.

More specifically, Applicants respectfully submit that Spencer does not appear to teach or disclose, at least, "...a reference lookup table management unit employed by the processor to, at least, resolve a symbolic reference in a program instruction to a memory address, during program instruction execution...." Spencer does not appear to teach or disclose anything with regard to a "reference lookup table management unit", to "a symbolic reference in a program instruction", or to "resolv[ing] a symbolic reference ... to a memory address", as recited in Applicants' amended claim 18. Instead, it appears that Spencer teaches where "...a configuration component that runs on the application server assembles a configuration list that contains all the program components that are required or recommended to be present on the device in order to perform the intended action...." (paragraph [0034]) Therefore, Applicants respectfully

submit that Spencer does not appear to teach or suggest at least this limitation of Applicants' amended claim 18.

In addition, Applicants respectfully submit that Spencer does not appear to teach or suggest, at least, "...at least one reference lookup table accessible by the reference lookup table management unit...". Spencer does not appear to teach or disclose anything with regard to a "reference lookup table management unit:", to "at least one reference lookup table", and accordingly to "...at least one reference lookup table accessible by the reference lookup table management unit...", as recited in Applicants' amended claim 18. Applicants respectfully submit that instead, Spencer appears to teach where "...a configuration component that runs on the application server assembles a configuration list that contains all the program components that are required or recommended to be present on the device in order to perform the intended action...." (paragraph [0034]) Therefore, Applicants respectfully submit that Spencer does not appear to teach or suggest at least this limitation of Applicants' claim 18.

Based at least on the above, Applicants respectfully submit that Spencer does not appear to teach or suggest each and every element of Applicants' amended claim 18, as required by M.P.E.P. §2131, and believe that a rejection of amended claim 18 under 35 U.S.C. §102(e) cannot be maintained.

Therefore, Applicants believe that amended claim 18 is allowable, for at least the reasons set forth above. Applicants respectfully submit that claims 19-25 depend from claim 18, and are also allowable, for at least the reasons set forth with respect to claim 18, and respectfully request that the rejection of claims 18-25 under 35 U.S.C. §102(e), be withdrawn.

Claims 10-12, 14 and 18-25 were rejected under 35 U.S.C. §102(b) as being anticipated by Sharon (WO0011549). Applicants respectfully traverse the rejection. Applicants respectfully note that the surname of the inventor of the cited reference is "Peleg".

With regard to amended claim 10, Applicants respectfully submit that Sharon (Peleg) does not appear to teach, suggest or disclose, for example, a method of

generating update packages for updating software in a mobile electronic device, the method comprising retrieving an existing version of code and a corresponding updated version of the code, the existing and the updated versions of code comprising program components; determining which program components to modify; generating an update package having modules corresponding to those program components to be modified; and generating an associated reference lookup table having entries corresponding to those program components to be modified, each entry associating a symbolic reference with a memory address.

More specifically, Applicants respectfully submit that Sharon (Peleg) does not appear to teach or suggest, at least, "...generating an update package having modules corresponding to those program components to be modified..." as recited in Applicants' amended claim 10. With regard to the teaching of Peleg that allegedly corresponds to this limitation of Applicants' claim, the Office action states "...See the missing components and older version of components which are transferred by the configuration manager in sect. 0040." (Office action, page 5) Applicants respectfully submit that the Sharon (Peleg) reference does not have a "sect. 0040", and that the text identifying the teaching of Sharon (Peleg) that corresponds to Applicants' limitation "...generating an update package having modules corresponding to those program components to be modified ..." is simply a copy of the text identifying the teaching in the Spencer reference for the same limitation of Applicants' claim 10. Applicants respectfully submit, therefore, that the Office action has failed to show where Sharon (Peleg) teaches the limitation "...generating an update package having modules corresponding to those program components to be modified ...", as recited in Applicants' amended claim 10. Applicants respectfully submit that the Sharon (Peleg) reference does not appear to set forth any teaching with respect to "...an update package having modules...", or to "...modules corresponding to those program components to be modified...", as recited in Applicants' amended claim 10. Therefore, Applicants respectfully submit that the Office action has failed to show where Sharon (Peleg) teaches at least these aspects of Applicants' amended claim 10.

In addition, Applicants respectfully submit that Sharon (Peleg) does not appear to teach or suggest, at least, "...generating an associated reference lookup table having entries corresponding to those program components to be modified, each entry associating a symbolic reference with a memory address...", as recited in Applicants' amended claim 10. The Office action makes reference to page 5, lines 22-29 of Peleg as teaching "...generating an associated reference lookup table having entries corresponding to those program components to be modified..." (Office action, pages 5-6) According to Sharon (Peleg), page 5, lines 22-29:

"On the basis of this observation, the invention aims at generating a modified old program and a modified new program, wherein the difference in references in corresponding entries in said new and old programs as explained above, will be reflected as invariant entries in the modified old and new programs. The net effect is that the invariant reference entries (between the modified old program and the modified new program), will not appear in the difference result, thereby reducing its size as compared to a conventional difference result obtained by using hitherto known techniques."

Applicants respectfully submit that the above portion of Sharon (Peleg), specifically identified in the Office action, does not appear to teach anything with respect to "...generating an associated reference lookup table having entries corresponding to those program components to be modified, each entry associating a symbolic reference with a memory address...", as recited in Applicants' amended claim 10, but instead appears to teach generating a modified old program and a modified new program. Applicants respectfully submit that neither this specifically cited portion of Sharon (Peleg) nor any other portion or figure in Sharon (Peleg) appear to teach anything with respect to "...generating an associated reference lookup table having entries corresponding to those program components to be modified, each entry associating a symbolic reference with a memory address...". Therefore, Applicants respectfully

submit that the cited teaching of Sharon (Peleg) is different from and does not appear to teach at least this aspect of Applicants' amended claim 10.

Based at least on the above, Applicants respectfully submit that Sharon (Peleg) does not appear to teach or suggest each and every limitation of Applicants' amended claim 10, as required by M.P.E.P. §2131, and believe that a rejection of claim 10 under 35 U.S.C. §102(b) cannot be maintained.

Therefore, Applicants believe that amended claim 10 is allowable. Applicants respectfully submit that claims 11-14 depend from allowable claim 10 and are, therefore, also allowable for at least the reasons set forth above. Applicants respectfully request, therefore, that the rejection of claims 10-12 and 14 under 35 U.S.C. §102(b), be withdrawn.

With regard to amended claim 18, Applicants respectfully submit that Sharon (Peleg) does not appear to teach, suggest, or disclose, for example, a mobile electronic device having an embedded system capable of employing a component architecture platform (CAP) framework, the device comprising a processor; a reference lookup table management unit communicatively coupled to the processor, the reference lookup management unit functioning to, at least, resolve a symbolic reference in a program instruction to a memory address; primary memory and secondary memory; and at least one reference lookup table accessible by the reference lookup table management unit.

More specifically, Applicants respectfully submit that Sharon (Peleg) does not appear to teach or disclose, at least, "...a reference lookup table management unit communicatively coupled to the processor, the reference lookup management unit functioning to, at least, resolve a symbolic reference in a program instruction to a memory address...." Sharon (Peleg) does not appear to teach or disclose anything with regard to a "reference lookup table management unit", to "a symbolic reference in a program instruction", or to "resolv[ing] a symbolic reference ... to a memory address", as recited in Applicants' claim 18. Instead, it appears that Sharon (Peleg) teaches where "...a configuration component that runs on the application server assembles a configuration list that contains all the program components that are required or

recommended to be present on the device in order to perform the intended action....” (paragraph [0034]) Applicants respectfully submit that the teachings of Sharon (Peleg) are different from and do not anticipate “...a reference lookup table management unit communicatively coupled to the processor, the reference lookup management unit functioning to, at least, resolve a symbolic reference in a program instruction to a memory address...”, as recited in Applicants’ amended claim 18. Therefore, Applicants respectfully submit that Peleg does not appear to teach or suggest at least this limitation of Applicants’ claim 18.

In addition, Applicants respectfully submit that Sharon (Peleg) does not appear to teach or suggest, at least, “...at least one reference lookup table accessible by the reference lookup table management unit...”. Sharon (Peleg) does not appear to teach or disclose anything with regard to a “reference lookup table management unit:”, to “at least one reference lookup table”, and accordingly to “...at least one reference lookup table accessible by the reference lookup table management unit...”, as recited in Applicants’ amended claim 18. Applicants respectfully submit that instead, Sharon (Peleg) appears to teach where “...a configuration component that runs on the application server assembles a configuration list that contains all the program components that are required or recommended to be present on the device in order to perform the intended action....” (paragraph [0034]) Therefore, Applicants respectfully submit that Spencer does not appear to teach or suggest at least this limitation of Applicants’ claim 18.

Based at least on the above, Applicants respectfully submit that Spencer does not appear to teach or suggest each and every element of Applicants’ amended claim 18, as required by M.P.E.P. §2131, and believe that a rejection of amended claim 18 under 35 U.S.C. §102(e) cannot be maintained.

Therefore, Applicants believe that amended claim 18 is allowable, for at least the reasons set forth above. Applicants respectfully submit that claims 19-25 depend from claim 18, and are also allowable, for at least the reasons set forth with respect to claim 18. Therefore, Applicants respectfully request that the rejection of claims 18-25 under 35 U.S.C. §102(e), be withdrawn.

Rejections Under 35 U.S.C. 103

Claims 13 and 26-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Spencer as applied to claim 10, and further in view of Yang (US 2004/0040020). Applicants respectfully traverse the rejection.

The Applicants respectfully submit that the Examiner has failed to establish a case of *prima facie* obviousness for at least the reasons provided below. M.P.E.P. §2142 clearly states that “[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.” The M.P.E.P. §2142 goes on to state that “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure.”

Applicants respectfully submit that, in accordance with 35 U.S.C. 103(c), Yang is not a valid reference in the rejection of claims 13 and 26-32 under 35 U.S.C. 103(a), because the present application and Yang (U.S. Patent Application Ser No. 10/635,991 which published as U.S. Patent Application Publication No. 2004/0040020 A1) were, at the time the invention was made, owned by, or under a common obligation to assign ownership to, Bitfone Corporation, now a wholly-owned subsidiary of Hewlett-Packard Development Corporation, LLC.

In addition, Applicants respectfully submit that claim 13 depends from allowable independent claim 10 and that claim 13 is allowable over Spencer, for at least the reasons set forth above with respect to claim 10.

Based at least upon the above, Applicants respectfully submit that the Office has failed to establish a *prima facie* case of obviousness, as required by M.P.E.P. §2142, and that the above rejection of claims 13 and 26-32 under 35 U.S.C. §103(a) cannot stand.

Applicants believe, therefore, that claims 13 and 26-32 are allowable, for at least the reasons set forth above, and respectfully request that the rejection of claims 13 and 26-32 under 35 U.S.C. §103(a), be withdrawn.

Claims 13 and 26-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharon (Peleg) as applied to claim 10, and further in view of Yang. Applicants respectfully traverse the rejection.

The Applicants respectfully submit that the Examiner has failed to establish a case of *prima facie* obviousness for at least the reasons provided below.

Applicants respectfully submit that, in accordance with 35 U.S.C. 103(c), Yang is not a valid reference in the rejection of claims 13 and 26-32 under 35 U.S.C. 103(a), because the present application and Yang (U.S. Patent Application Ser No. 10/635,991 which published as U.S. Patent Application Publication No. 2004/0040020 A1) were, at the time the invention was made, owned by, or under a common obligation to assign ownership to, Bitfone Corporation, now a wholly-owned subsidiary of Hewlett-Packard Development Corporation, LLC.

In addition, Applicants respectfully submit that claim 13 depends from allowable independent claim 10 and that claim 13 is allowable over Sharon (Peleg), for at least the reasons set forth above with respect to claim 10.

Based at least upon the above, Applicants respectfully submit that the Office has failed to establish a *prima facie* case of obviousness, as required by M.P.E.P. §2142, and that the above rejection of claims 13 and 26-32 under 35 U.S.C. §103(a) cannot stand.

Therefore, Applicants believe that claims 13 and 26-32 are allowable, for at least the reasons set forth above. Applicants respectfully request, therefore, that the rejection of claims 13 and 26-32 under 35 U.S.C. §103(a), be withdrawn.

Conclusion

In general, the Office Action makes various statements regarding claims 10-14 and 18-32 and the cited references that are now moot in light of the above. Thus,

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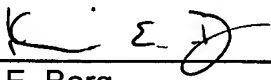
Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of claims 10-14 and 18-32 are in condition for allowance, and courteously solicit a Notice of Allowability.

Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

Respectfully submitted,

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